

Notice of Allowability

Application No.

10/715,003

Examiner

Lezah W. Roberts

Applicant(s)

CHEN, TIANMING

Art Unit

1614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment dated 10 Mar 2006.
2. ☒ The allowed claim(s) is/are 1-37 and 39-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

7. Drawings filed 11/17/2003 are approved by Examiner.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 3/6/06 + 5/19/06
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John M. Gynn on May 19, 2006.

The application has been amended as follows:

- 1) Claim 3, line 9, immediately after "agent" there has been inserted ---
comprising polyvinylpyrrolidone---
- 2) Claim 3, line 10, "the thickening agent comprising" has been deleted.
- 3) Claim 3, line 11, "polyvinylpyrrolidone" has been deleted.
- 4) Claim 3, line 12, "polyvinylpyrrolidone" has been deleted and replaced with ---
thickening agent ---

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- 5) Claim 5, line 1, "1, 2 or 3" has been deleted and replaced with --- 1 or 2 ---
- 6) Claim 34, line 9, immediately after "agent" there has been inserted ---
comprising polyvinylpyrrolidone---
- 7) Claim 34, line 10, "the thickening agent comprising" has been deleted.
- 8) Claim 34, line 11, "polyvinylpyrrolidone" has been deleted.
- 9) Claim 34, line 12, "polyvinylpyrrolidone" has been deleted and replaced with ---
thickening agent ---
- 10) Claim 38 has been deleted

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: changes were made to the amended claims because the claims as written may have overlapped the prior art (Sagel et al. US 6,582,708). In order to insure that the claims were clearly distinguished from the prior art the claim was amended to clarify the thickening agent in its entirety did not remove calcium from the teeth by way of chelation and cause the teeth to become etched as in the case of carboxymethyl cellulose of the prior art. The amount of PVP was specified to further reinforce the distinction, because the '708

patent does not specify any particular amount of PVP that may be used in the taught compositions.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lezah W. Roberts whose telephone number is 571-272-1071. The examiner can normally be reached on 8:30 - 5:00.

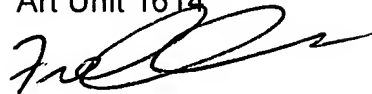
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin H. Marschel can be reached on 571-272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lezah Roberts
Patent Examiner
Art Unit 1614

A handwritten signature in black ink, appearing to read "Leah Roberts", with a large, stylized flourish at the end.

Frederick Krass
Primary Examiner
Art Unit 1614

A handwritten signature in black ink, appearing to read "Frederick Krass", with a large, stylized flourish at the end.